

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2011-0001  
ROW # 10535789

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0215060502

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 809 E. 30<sup>th</sup> St., Austin, Tx. 78705

LEGAL DESCRIPTION: Subdivision – University Park

Lot(s) 17 Block        Outlot 5 Division C

I/We Rick Luisi & Erik Wilson on behalf of myself/ourselves as authorized agent for

Luisi/Wilson Trust affirm that on Dec 9, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

       ERECT        ATTACH        COMPLETE        REMODEL X MAINTAIN

8 foot fence

in a SF3-NP district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Pool and pool equipment access. An 8 foot fence along this 7 foot section is required for neighborhood safety because of access to pool and pool equipment.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The 8 foot section of fence does not run "along" the property line between 809 E. 30<sup>th</sup> St. (lot 17) and 807 E. 30<sup>th</sup> St. (lot 18), but instead is perpendicular to the shared property line, and runs for a length of only 7 feet. This 8 foot fence runs along the landing of the stairs that lead up to the entrance of our property (lot 17). By standing on the landing of the stairs, the fence height is only 4.5 feet. It is easy to jump the fence from here, and there is a pool on the property. For safety reasons, we ask for the variance of the 8 foot fence in this section. Additionally, the fence is no higher than the fence (already permitted) on the inside of the retaining wall at this location. This 8 foot fence variance will not stick up any higher than the adjoining fence. Since there is not a hardship for lot 18 (and since there is a hardship for lot 17) we request a variance for this section. See photos.

- (b) The hardship is not general to the area in which the property is located because:

The 8 foot section of fence does not run "along" the property line between 809 E. 30<sup>th</sup> St. (lot 17) and 807 E. 30<sup>th</sup> St. (lot 18), but instead is perpendicular to the shared property line, and encloses the pool equipment for lot 17. By cutting down this section to 6 feet, those using the pool will have access to the pool equipment (which is generally kept locked). We are trying to prevent those using the pool from tampering with the pool equipment (and thus the 8 foot fence). Since there is no hardship for lot 18 to have this 7 foot section at 8 feet in height (and since there is a hardship for lot 17), we request a variance for this section. See photos.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Adjacent properties have existing structures same height and higher at property line. See photos.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Rick Luisi Mail Address 809 E. 30th St

City, State & Zip Austin TX 78705

Printed RICK LUISI Phone (512) 277-2400 Date 12/17/10

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed   SAME   Mail Address   2914 Beanna St.  

City, State & Zip   Austin, Tx. 78705  

Printed   Rick Luisi & Erik Wilson   Phone   512-627-7260   Date   12/9/10  

## **GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### **VARIANCE REQUIREMENTS:**

#### **General Requirements:**

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

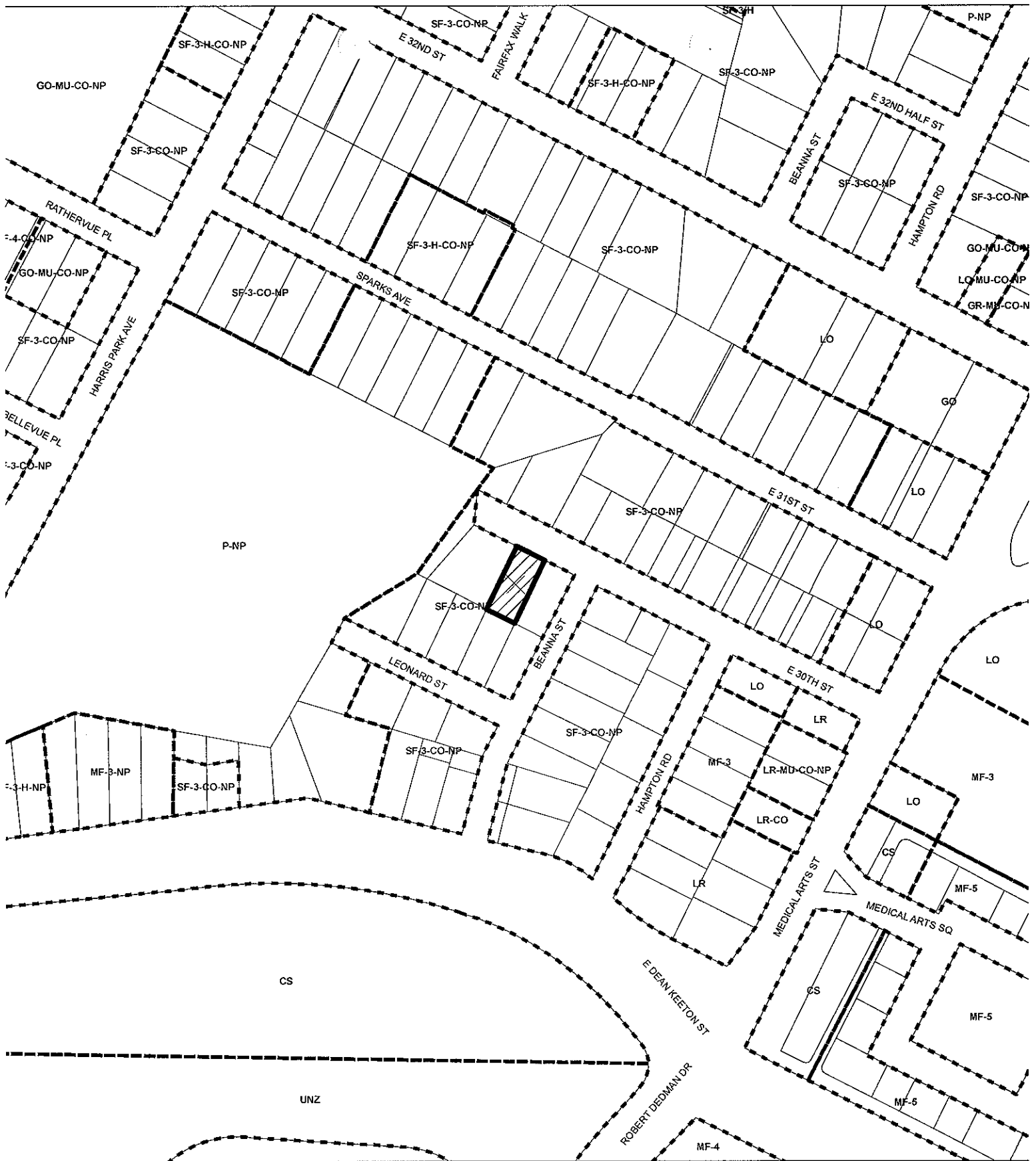
**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (6) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

#### **Reasonable Use:**



## BOARD OF ADJUSTMENTS

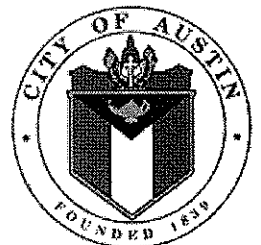
CASE#: C15-2011-0001  
 LOCATION: 809 E 30TH ST  
 GRID: J24  
 MANAGER: S. WALKER



SUBJECT TRACT



ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

# EAST 30th STREET

curb

Bearing Basis

conc.  
entry

concrete walk

S60°00'00"E 50.17' (50.00')

electric manhole

concrete

2nd floor deck

34.2'

2 Story

Stucco & Frame

38.3'

concrete porch

concrete & rock  
outside shower

26.9'

concrete patio

LOT 17

rock walls

concrete

for pool

pumps

spa

pool

N60°19'48"W

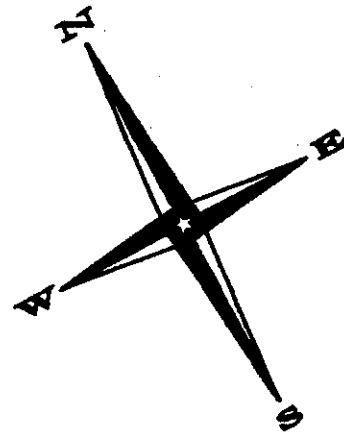
50.09'

(50.00')

neighbor's  
frame  
garage

LOT 14

LOT 15



SCALE: 1" = 20'

## Legend

⊙ ½" Iron Rod Found

—//— Wood Board Fence

◀ Water Meter

— Overhead Utility Line  
(Record Dimension)

UNIVERSITY PARK ADDITION  
Volume 3 Page 105

## SURVEY PLAT OF

LOT 17, UNIVERSITY PARK ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 105 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. LOCATED AT 809 EAST 30TH STREET.

GF No. 02031786

TO: Erik M. Wilson

Wells Fargo Home Mortgage

Stewart Title Guaranty Company

Gracy Title Company

THE STATE OF TEXAS x  
COUNTY OF TRAVIS x

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages

Photo 1





Photo 2





PHOTO 3

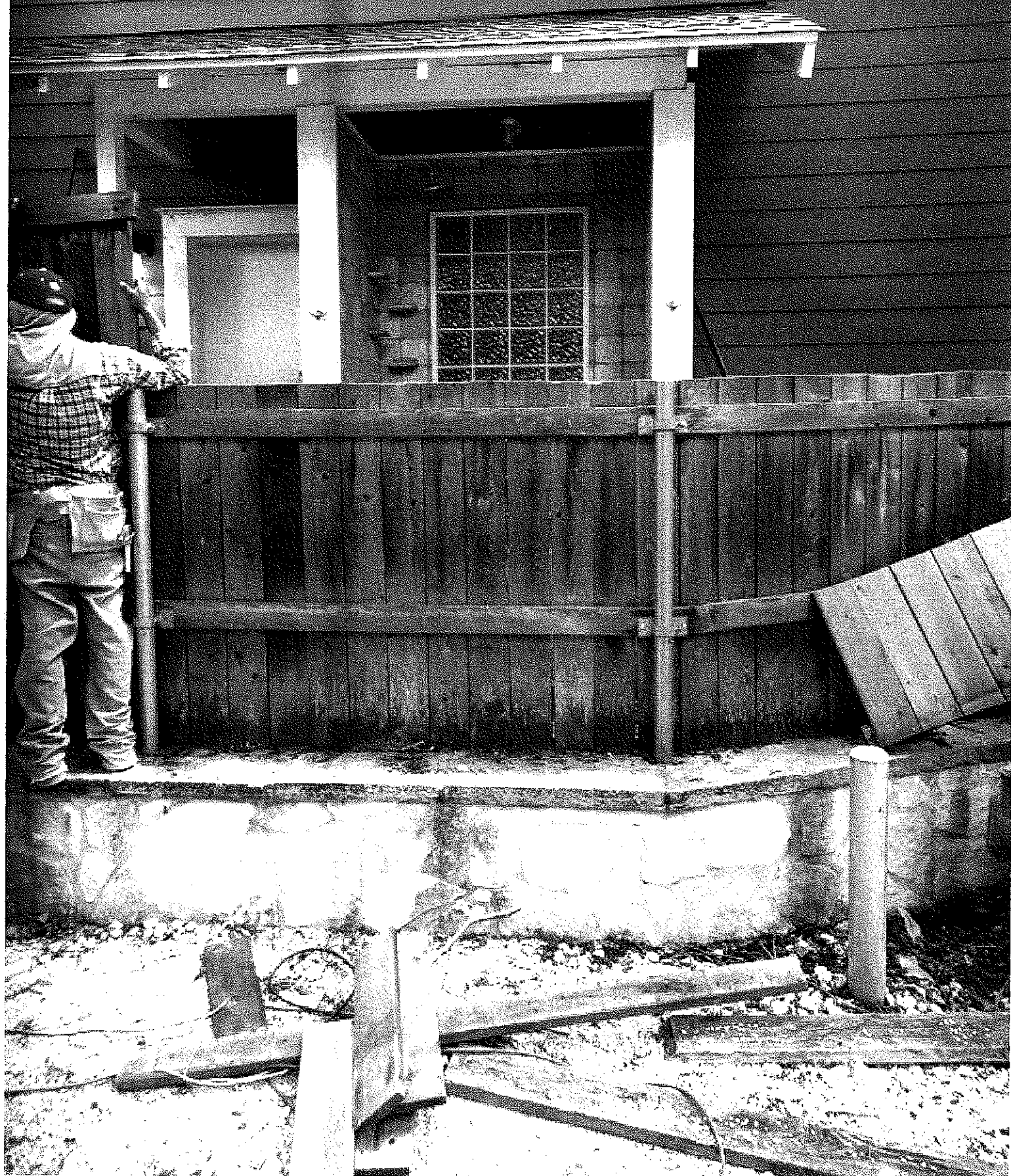




PHOTO 4



PHOTO 5



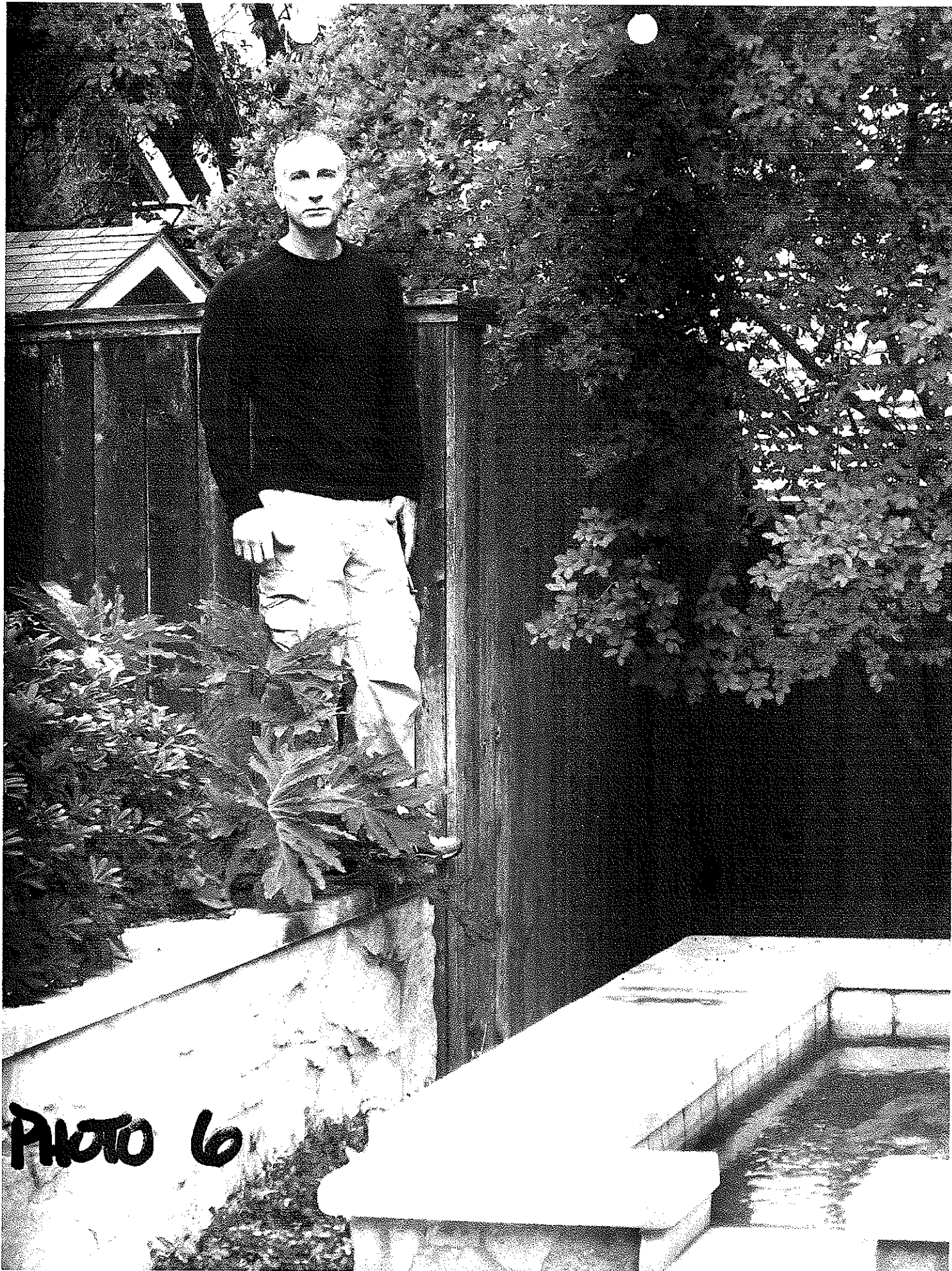


PHOTO 6